

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



In re Application of: William J. Rea, MD, et al Attorney Docket: 16715/CIP
 Serial No.: 08/902,692 Art Group Unit: 1644
 Filed: July 30, 1997 Examiner: Schwadron, R.
 For: **AUTOGENOUS LYMPHATIC FACTOR FOR
 MODIFICATION OF T AND B LYMPHOCYTE PARAMETERS**

RESPONSE TO NOTICE OF NON-COMPLIANCE WITH 37 CFR 1.192(c)

Mail Stop Appeal Briefs Patents
 Commissioner of Patents
 P. O. Box 1450
 Alexandria, VA 22313-1450

Sir:

The Notice of Non-Compliance with 37 CFR 1.192(c) mailed July 2, 2003 is the second such Notice, but it states entirely different grounds than in the first Notice mailed January 8, 2002.

The second Notice now states, "Regarding point 6, the Brief does not indicate why claims 49-51, 55-59, 65 [Group I] stand and fall together separately from claims 52-54, 60-64, and 66 [Group II]." Appellants respectfully traverse.

In the Brief, under the heading "Grouping of Claims," pp. 4-6, the Brief identifies four separate groups of claims, and explains the broad differences between the claims and why they are so grouped, including the differences between Groups I and II regarding the rejection under 35 U.S.C. 103(a).

In the Brief, under the subheading "Impasse and Issues on Appeal," pp. 16-17, the Brief identifies that the Examiner has finally rejected all the "Claims 49-66 under 35 U.S.C. § 103(a) as being obvious over Youdim et al. in view of Warren (U.S. Patent No. 4,435,384)."

In the Brief, under the heading "Claims 49-66 Are Not Obvious Over Youdim et al. in view of Warren," pp. 17-19, the Brief argues for the patentability of all of these claims, represented by Group I.

In the Brief, under the heading "Claims 52-54, 60-64, and 66 Are Separately Patentable and Not Obvious," pp. 19-20, the Brief argues that these claims, i.e., the claims of Group II, are patentable for all of the same reasons discussed under the preceding heading represented by Group I and are further separately patentable for an additional reason.

Appellants' Brief complies with 37 CFR 1.192(c).

DATED: August 4, 2003

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Respectfully submitted,



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